

FEBRUARY 21, 2008MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS**

METAL RESOURCES INC.,)	
)	
Plaintiff,)	Civil Action No.
)	
v.)	
)	
METALMAX, LLC)	Judge
)	
Defendant.)	

08 C 1068**NOTICE OF REMOVAL****JUDGE GETTLEMAN
MAGISTRATE JUDGE COX**

Defendant Metalmax, LLC ("Metalmax"), by its counsel, pursuant to 28 U.S.C. §§ 1441 and 1446, removes the action described below to the United States District Court for the Northern District of Illinois. In support, Metalmax states:

1. On or about January 14, 2008, Plaintiff Metal Resources, Inc. filed a complaint in the Circuit Court of the Eighteenth Judicial Circuit, DuPage County, Illinois (the "DuPage County Court"), Case No. 2008 L 41, against Metalmax. A copy of the complaint is attached as Exhibit 1.
2. Although never formally served, Metalmax picked up a copy of the complaint from the Jefferson County Sheriff's Office in Golden, Colorado on January 22, 2008. *See* Exhibit 1, page 1. The complaint constitutes the only pleading, process or order served upon Metalmax in connection with the pending litigation.
3. The parties have diversity of citizenship in that the plaintiff is an Illinois corporation and the defendant is a Colorado limited liability company. Exhibit 1, page 2. Further, the amount claimed by the plaintiff exceeds \$75,000. Therefore, this Court has diversity jurisdiction over the matter pursuant to 28 U.S.C. § 1332.

4. This notice is timely pursuant to 28 U.S.C. § 1446 because it is being filed within thirty days of Metalmax's receipt of the complaint and summons.

5. In compliance with 28 U.S.C. § 1446(d), Metalmax will file a copy of this notice of removal with the clerk of the DuPage County Court and give written notice to all adverse parties.

February 20, 2008

Respectfully submitted,

METALMAX, LLC

By: Ann H. Cisneros
Ann H. Cisneros, Colo. Reg. No. 32547
ANN H. CISNEROS LAW, LLC
P.O. Box 7310
Denver, Colorado 80207
303-284-1501 (voice)
303-496-1502 (fax)
acisneros@annhcisneroslaw.com

Certificate of Service

The undersigned certifies that a copy of the foregoing **NOTICE OF REMOVAL** was served on the following counsel for Plaintiff by U.S. mail, postage prepaid, on February 21, 2008.

Ronald J. Senechaile
Pluymert, Piercey, MacDonald & Amato, LTD
2300 Barrington Road, Suite 220
Hoffman Estates, IL 60195

s/Ann H. Cisneros
Ann H. Cisneros

CIRCUIT COURT SUMMONS

COPY

3101C (Rev. 12/04)

STATE OF ILLINOIS

UNITED STATES OF AMERICA

COUNTY OF DU PAGE

IN THE CIRCUIT COURT OF THE EIGHTEENTH JUDICIAL CIRCUIT

Metal Resources, Inc.

CASE NUMBER

2008L000041

-VS-

Plaintiff(s)

Metamax, LLC

Defendant(s)

File Stamp Here

SUMMONS

To each defendant:

You are summoned and required to file an answer to the complaint in this case, a copy of which is hereto attached, or otherwise file your appearance in the office of the Clerk of this Court, 505 North County Farm Road, Wheaton, Illinois within 30 days after the service of this summons, not counting the day of service. IF YOU FAIL TO DO SO, A JUDGMENT BY DEFAULT MAY BE ENTERED AGAINST YOU FOR THE RELIEF ASKED IN THE COMPLAINT.

To the officer:

This summons must be returned by the officer or other person to whom it was given for service, with endorsement of services and fees, if any, immediately after service. If service cannot be made, this summons shall be returned so endorsed. This summons may not be served later than 30 days after its date.

WITNESS: CHRIS KACHIROUBAS, Clerk of the
Eighteenth Judicial Circuit Court, and the seal
thereof, at Wheaton, Illinois.

Dated

JAN 12 2008**CHRIS KACHIROUBAS**

Clerk of the Eighteenth Judicial Circuit

Name: Ronald J. Senechalle

(Plaintiff or Attorney for Plaintiff)

DuPage Attorney Number: 16555Address: 2300 Barrington Road, Suite 220City/State/Zip: Hoffman Estates, ILTelephone: 847-310-0025

IF YOU NEED LEGAL ADVICE CONCERNING YOUR LEGAL
RESPONSIBILITY AS A RESULT OF THIS SUMMONS BEING
SERVED UPON YOU AND YOU DON'T KNOW A LAWYER,
YOU CAN CALL THE DU PAGE BAR ASSOCIATION
LAWYER REFERRAL SERVICE AT (630) 653-9109.

NOTICE: The filing of an appearance or answer with the
Circuit Court Clerk requires a statutory filing fee, payable
at the time of filing.

Date of Service: _____

(To be inserted by officer on copy left with Defendant or other person.)

CHRIS KACHIROUBAS, CLERK OF THE 18TH JUDICIAL CIRCUIT COURT ©
WHEATON, ILLINOIS 60189-0707

IN THE CIRCUIT COURT OF THE EIGHTEENTH JUDICIAL CIRCUIT, DUPAGE
COUNTY, ILLINOIS

METAL RESOURCES INC.

Plaintiff,

v.

METALMAX, LLC,

Defendant.

2008L000041

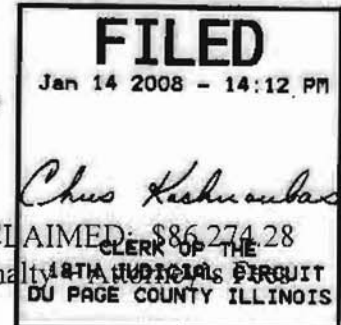
Status Date: 04/14/08

Mgmt Date: 07/01/08

Assigned To: 2014

AMOUNT CLAIMED: \$86,274.28

Statutory Penalty and costs.



VERIFIED COMPLAINT

ACTION FOR BREACH OF CONTRACT

Plaintiff, METAL RESOURCES INC. by and through its attorneys, PLUYMERT, PIERCEY, MAC DONALD & AMATO, LTD complains against Defendant, METALMAX, LLC, as follows:

1. At all times material to this Complaint, Plaintiff was and is an Illinois Corporation licensed to do business in the State of Illinois and engaged in the business of selling steel material and metal product in Hinsdale, DuPage County, Illinois.

2. At all times material to this Complaint, Defendant was and is a Colorado Limited Liability Company.

3. Beginning in January of 2005 and continuing throughout the years of 2005 and 2006, Defendant purchased metal product from the Plaintiff.

4. To date, Defendant has made partial payments for the purchased metal product but has failed and refused to pay the balance due of \$86,274.28. Invoices delivered by Plaintiff to the Defendant for those unpaid purchases are attached hereto as Exhibit A.


5. The metal product was delivered by Plaintiff to and accepted by or on behalf of the Defendant.

6. Defendant is indebted to Plaintiff in the sum of \$86,274.28 for metal product ordered, delivered and accepted by or on behalf of the defendant.

WHEREFORE, Plaintiff prays for judgment against Defendant as follows:

- A. Actual damages in the sum of \$86,274.28;
- B. Plaintiff's costs.

Respectfully submitted:



One of Plaintiff Attorneys


Ronald J. Senechalle and Thomas W. Hargrove
PLUYMERT, PIERCEY, MACDONALD & AMATO, LTD.
Attorneys for Plaintiff
2300 Barrington Road, Suite 220
Hoffman Estates, IL 60195
847-310-0025
Attorney No. 43678

VERIFICATION BY CERTIFICATION

Under penalties as provided by law pursuant to Sec. 1-109 of the Illinois Code of Civil Procedure, the undersigned certifies that the statements set forth in Plaintiff's Complaint are true and correct, except as to the matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that he verily believes the same to be true.

METAL RESOURCES INC.

BY:

A handwritten signature in dark ink, appearing to read 'WR Wilson', is written over a horizontal line.

William R Wilson
Vice-President and Treasurer

METAL RESOURCES, INC.

15 Salt Creek Lane, Suite 312
Hinsdale, IL 60521
630-920-1205
630-920-0133 Fax

INVOICE

DATE	INVOICE NO.
12/5/2005	3172

BILL TO
METALMAX, L.L.C 607 10th Street, Suite 302 Golden, Colorado 80401

P.O. NO.	TERMS	DUE DATE	SHIP DATE	SHIP VIA	FOB	BILL OF LADING #
2701	Net 45	1/19/2006	12/5/2005	CPU	GARY	110516
DESCRIPTION			QTY	RATE		AMOUNT
GALVANIZED COIL .0180 MIN X 36.0000" X COIL SHIPPED TO HERCULES IND INC			50,030	0.3875		19,386.63
Thank you for your business.				Total		
				\$19,386.63		

METAL RESOURCES, INC.

15 Salt Creek Lane, Suite 312
Hinsdale, IL 60521
630-920-1205
630-920-0133 Fax

DATE	INVOICE NO.
11/29/2005	3152

BILL TO
METALMAX, L.L.C 607 10th Street, Suite 302 Golden, Colorado 80401

P.O. NO.	TERMS	DUE DATE	SHIP DATE	SHIP VIA	FOB	BILL OF LADING #
2698	Net 45	1/13/2006	11/29/2005	CPU	GARY	110287
DESCRIPTION			QTY	RATE		AMOUNT
GALVANIZED COIL .0155 MIN X 36.0000" X COIL SHIPPED TO HERCULES INDUSTRIES			33,860	0.395		13,374.70
Thank you for your business.					Total	\$13,374.70

METAL RESOURCES, INC.

15 Salt Creek Lane, Suite 312

Hinsdale, IL 60521

630-920-1205

630-920-0133 Fax

INVOICE

DATE	INVOICE NO.
12/16/2005	3174

BILL TO
METALMAX, L.L.C 607 10th Street, Suite 302 Golden, Colorado 80401

P.O. NO.	TERMS	DUE DATE	SHIP DATE	SHIP VIA	FOB	BILL OF LADING #
2699	Net 45	1/30/2006	12/16/2005	CPU	GARY	110923
DESCRIPTION			QTY	RATE		AMOUNT
GALVANIZED COIL .0230 MIN X 7.0000" X COIL SHIPPED TO HERCULES IND INC			16,430	0.385		6,325.55
Thank you for your business.				Total		\$6,325.55

METAL RESOURCES, INC.

15 Salt Creek Lane, Suite 312
Hinsdale, IL 60521
630-920-1205
630-920-0133 Fax

INVOICE

DATE	INVOICE NO.
12/19/2005	3175

BILL TO
METALMAX, L.L.C 607 10th Street, Suite 302 Golden, Colorado 80401

P.O. NO.	TERMS	DUE DATE	SHIP DATE	SHIP VIA	FOB	BILL OF LADING #
2699	Net 45	2/2/2006	12/19/2005	CPU	GARY	110991
DESCRIPTION			QTY	RATE		AMOUNT
GALVANIZED COIL .0230 MIN X 7.0000" X COIL SHIPPED TO HERCULES IND INC			27,380	0.385		10,541.30
Thank you for your business.				Total		
				\$10,541.30		



101 O'Leary Drive - Bensenville, IL 60106
 PHONE: (630) 616-1850 FAX: (630) 616-1852

Customer Name: METALMAX LLC

Shipped To:

REMIT TO: Metal Resources Inc.
 15 Salt Creek Lane
 Suite 312
 Hinsdale, IL 60521

Invoice #:

3244

Page: 1 of 1

Customer #: 1049
 Invoice Date: 01/13/2006
 Ship Date: 01/13/2006
 Ship Via: CPU

Invoice Total: \$180.00
 Customer P.O.: 2724
 Shipment: 60
 Order: S.O. #10065
 Job Name: None
 Sales Rep: HOUSE
 Credit Terms: Net 30

Billed To:

METALMAX LLC
 607 10TH STREET, SUITE 302
 GOLDEN, CO 80401

#.	Shipped	Ordered	Billed	Product Description	Part Number	Weight	Unit Price	Amount
1	600 LB	600 LB	600 LB	STEEL COIL	STEEL_COIL	600	0.30 LB	\$180.00

Order Charge Detail

Description

None

Item Totals:

600 \$180.00

Amount

Freight: \$0.00

Order Charges: \$0.00

Sales Tax: \$0.00

Invoice Total: \$180.00

Invoice Comments

None

Terms Explanation	Balance	Discount	Net	Pay By
Net 30	\$180.00	\$0.00	\$180.00	2/12/2006